

### **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

#### **Listing of Claims:**

Claim 1 (previously presented) A method of playing a video poker game, the method comprising: receiving an initial bet; dealing a first hand of cards to a player; allowing the player to select any number of cards to discard; offering an option for the player to make a second bet; replacing the selected cards to form a final hand; determining a rank of the final hand; paying the initial bet according to the rank using a first payable; and paying the second bet, if the player chose to make the second bet.

Claim 2 (previously presented) A method as recited in claim 1, further comprising: after the player selects cards to discard, displaying a dynamic payable.

Claim 3 (previously presented) A method as recited in claim 2, wherein the dynamic payable comprises ranks and payouts, and the payouts reflect probabilities of making ranks based on the selected cards and non selected cards.

Claim 4 (previously presented) A method as recited in claim 3, wherein the dynamic payable is updated as soon after the player changes a selected card.

Claim 5 (previously presented) A method as recited in claim 2, wherein a return of the dynamic payable is designed to approximate or equal a predetermined house advantage.

Claim 6 (previously presented) A method as recited in claim 2, wherein the second bet is paid according to the dynamic payable.

Claim 7 (previously presented) A method as recited in claim 3, wherein the second bet is paid according to the dynamic payable.

Claim 8 (previously presented) A method as recited in claim 1, further comprising dealing a plurality of final hands to implement a multi line version, and collecting the second bet for each final hand.

Claim 9 (previously presented) A method as recited in claim 2, wherein if the selected cards comprise a paying hand, the paying hand is not active on the dynamic payable.

Claim 10 (previously presented) A method as recited in claim 2, wherein after the dynamic payable is computed, top payouts are shifted towards the bottom.

Claim 11 (previously presented) A method as recited in claim 2, further comprising capping a payout on the dynamic payable.

Claim 12 (previously presented) A method as recited in claim 1, wherein the initial bet and the second bet are both paid according to the first payable.

Claim 13 (previously presented) A method as recited in claim 1, wherein the player must make the second bet.

Claim 14 (previously presented) A method of automatically generating a payable, comprising: calculating probabilities for being dealt each rank of a plurality of ranks; and dividing the calculated probabilities by a number of possible paying ranks to obtain payouts for each rank.

Claim 15 (previously presented) A method as recited in claim 12, wherein probabilities are calculated based on cards selected to be held.

Claim 16 (previously presented) A method as recited in claim 14, further comprising automatically shifting respective payouts between two ranks.

Claim 17 (previously presented) A method as recited in claim 14, further comprising capping a selected payout for a rank and shifting an excess portion to another payout.

Claim 18 (previously presented) A method as recited in claim 14, further comprising successively shifting fractional portions of payouts.

Claim 19 (previously presented) A method as recited in claim 18, wherein the fractional portions of payouts are successively shifted to other payouts until only a single payout has a fractional portion, upon which the fractional portion for the single payout is discarded.

Claim 20 (previously presented) A method as recited in claim 1, wherein a deck used to deal the cards includes a wildcard or wildcards.

Claim 21 (previously presented) A method of automatically generating a payable, comprising: automatically calculating probabilities for an occurrence of each of a series of events; and automatically dividing the calculated probabilities by a number of events with greater than 0 probability to obtain payouts for each respective event.

Claim 22 (previously presented) A method as recited in claim 21, further comprising automatically shifting respective payouts between two ranks.

Claim 23 (previously presented) A method as recited in claim 21, further comprising capping a selected payout for a rank and shifting an excess portion to another payout.

Claim 24 (previously presented) A method of playing a video poker game, comprising: implementing a video poker game, with the additional feature of allowing a player to place an additional bet after being dealt the initial cards; and paying the additional bet

based on a computed payable based on the player's initial cards.

Claim 25 (previously presented) A method as recited in claim 24, wherein the computed payable is based on the player's initial cards and which of the initial cards the player has selected to discard.

Claim 26 (previously presented) A computer readable storage medium storing a method of playing a video poker game, the medium controlling a computer by: implementing a video poker game, with the additional feature of allowing a player to place an additional bet after being dealt the initial cards; and paying the additional bet based on a computed payable based on the player's initial cards.

Claim 27 (previously presented) A computer readable storage medium as recited in claim 26, wherein the computed payable is based on the player's initial cards and which of the initial cards the player has selected to discard.

Claim 28 (previously presented) An apparatus for playing a video poker game, comprising: a processing unit implementing a video poker game, with the additional feature of allowing a player to place an additional bet after being dealt the initial cards; and a paying unit paying the additional bet based on a computed payable based on the player's initial cards.

Claim 29 (previously presented) An apparatus as recited in claim 28, wherein the computed payable is based on the player's initial cards and which of the initial cards the player has selected to discard.

Claim 30 (previously presented) An apparatus for playing a video poker game, comprising: means for implementing a video poker game, with the additional feature of allowing a player to place an additional bet after being dealt the initial cards; and means for paying the additional bet based on a computed payable based on the player's initial cards.

Please ADD the following NEW claims, which are copied from U.S. Patent No. 7,017,909.

Claim 31 (newly added) In a method of a playing a game on a gaming machine, the steps of: providing a video image of five cards randomly dealt from a standard deck of fifty two cards in response to a player depositing a draw Poker wager into the machine, said five randomly dealt cards forming a first Poker hand; providing a video image of a second chance pay table; permitting said player to deposit a second chance wager into the machine prior to said player making a draw that causes an exchange of images of selected ones of said five cards with images of newly dealt cards from said deck thereby forming a second Poker hand; permitting said player to make said draw; providing a view of a draw poker pay table; making a payout to said player in accordance with said second Poker hand and the draw Poker pay table; and making a payout to said player in accordance

with said second Poker hand and a second chance pay table when said player makes said second chance wager.

Claim 32 (newly added) In the method of claim 1 wherein said step of providing said video image of said second chance pay table includes the steps of: said player providing to the machine a first exchange input that indicates which cards of said first poker hand are to be exchanged; providing said video image of said second chance table in response to said exchange input; and providing a video image of a second poker hand in response to a second exchange input.

Claim 33 (newly added) In the method of claim 1, the additional step of making a draw poker bonus payout when the first poker hand has a rank that is a straight or higher.

Claim 34 (newly added) In the method of claim 1, the additional step of making a second chance bonus payout when the second hand wager is made prior to cards being dealt and the first poker hand has a rank that is a straight or higher.

## **REMARKS/ARGUMENTS**

### **I. STATUS OF THE CLAIMS**

Claims 1-30 were previously pending. Claims 31-34 are added herein, which are copied from US Patent No. 7,017,909. Support for the new claims are as follows:

Claim 31: support can be found throughout the entire specification, appendix A, and Figures, and see especially original claims 1, 2, 4, 6; Figures 1-4 and their accompanying description.

Claim 32: support can be found throughout the entire specification, appendix A, and Figures, and see especially: original claims 1, 2, 4, 6; Figures 1-4 and their accompanying description.

Claim 33: support can be found throughout the entire specification, appendix A, and Figures, and see especially: Figures 1-4, P23, P29-30, P37-39, claim 1. More particularly, described (and also supported in the game logic in Appendix A) is a game wherein a player can be dealt a hand such as a straight or higher, the player could (P23) (and should) hold all five cards, wherein the straight then wins the player a payout (see item 200 line 6, "STRAIGHT") on the first payable (a "payout" which can also be considered a "bonus"). Note that the attached code in appendix A contains the game